

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
C.A. No. 24-mc-20492-ALTMAN/BECERRA**

In re Application of	:
	:
PHILIPPE MARTINEZ,	:
MSR MEDIA SKN LTD.,	:
	:
Applicants, for an Order Pursuant to	:
28 U.S.C. § 1782 to Conduct Discovery	:
for Use in a Foreign Proceeding.	:

**SECOND DECLARATION OF DAMIAN E. S. KELSICK**

I, **DAMIAN E. S. KELSICK**, do hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 the following:

1. I am an attorney-at-law and King's Counsel in the Federation of Saint Christopher and Nevis ("St. Kitts and Nevis"). I was called to the Bar in 1992. I am also admitted to practice in Anguilla, Antigua and Barbuda, Grenada, Saint Lucia, and Saint Vincent and the Grenadines. I previously served as a High Court Judge in Antigua and Barbuda between May and July 2020, and as a High Court Judge in Anguilla in 2021. The High Courts of Antigua and Barbuda, Anguilla, and St. Kitts and Nevis are trial courts of the same Eastern Caribbean judicial system.
2. I represent Philippe Martinez and MSR Media SKN Ltd. (collectively, "Applicants") in two civil proceedings arising from claims of defamation filed against Applicants in the High Court of Justice in St. Kitts and Nevis (hereinafter, "High Court of Justice") on December 8, 2023, and December 29, 2023, captioned *Caribbean Galaxy Real Estate Corp. and Ying Jin v. MSR Media SKN Ltd. and Philippe Martinez* (Case No. SKBHCV2023/0228, Dec. 8,

2023), and *Dr. Timothy Harris v. Philippe Martinez and MSR Media SKN Ltd.* (Case No. SKBHCV2023/0236, Dec. 29, 2023).

3. I respectfully submit this Second Declaration in support of Applicants' Opposition to Motion to Quash Applicants' Subpoena, dated February 29, 2024, filed by Dr. Timothy Harris, and joined by Caribbean Galaxy Real Estate Corporation and Ying Jin.
4. I previously submitted a Declaration on February 6, 2024, in support of Applicants' application for an order under 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings.
5. My legal opinion is informed by my extensive experience as King's Counsel in St. Kitts and Nevis, as well as my experience as a judge in the Eastern Caribbean judicial system.
6. The High Court of Justice is likely to be receptive towards the discovery that has been ordered from Bank of America ("Respondent Bank") in these proceedings. The High Court of Justice is also likely to permit Applicants to rely on them in evidence at trial.
7. The records requested from Respondent Bank would support the veracity of the allegedly defamatory statements at issue in the two civil proceedings currently pending against Applicants before the High Court of Justice.
8. These records, likely to be discoverable and admissible, are highly relevant to Applicants' defense. Financial records are routinely sought and admitted in litigation before the High Court of Justice.

Executed in St. Kitts

on the 13<sup>th</sup> of March, 2024.

A handwritten signature in black ink, reading "Damian Kelsick". The signature is written in a cursive style with a horizontal line underneath it.

DAMIAN E. S. KELSICK, KC

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